REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-4, 6, 7, 10-12, 15-20 and 23-38 are pending in the application, with Claims 1, 12, 17, 24-26, 35 and 37 being the independent claims.

The Examiner rejected Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 00/05912 to *Johnson et al.* (hereinafter, *Johnson*) in view of U.S. Publication No. 2003/0026215 to *Schafer* and U.S. Publication No. 2001/0055288 to *Uebayashi et al.* (hereinafter, *Uebayashi*). The Examiner rejected Claims 12, 15, 16, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Uebayashi* and U.S. Publication No. 2004/0157561 to *Akerberg*. The Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Uebayashi* and U.S. Publication No. 2003/000882 to *Samuels*.

Regarding the §103(a) rejection of Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *Johnson*, *Schafer* and *Uebayashi*.

Johnson discloses a method for allocating resources to a terminal in a communications system. *Schafer* discloses a method for optimizing capacity in multi-user time division duplex communication systems through minimizing guard times utilized in the duplexed signals. *Uebayashi* discloses a channel assigning method for executing appropriate channel assignment in a mobile communication system when both a channel for a service area based on an FDD method and a TDD method may be assigned.

Claim 1 has been amended to more clearly recite the subject matter of the present invention. More specifically, Claim 1 has been amended to recite that a frequency resource in

a predetermined area among frequency resources available in the base station is assigned as a resource for a reverse link in the FDD mode for reverse transmission.

Uebayashi describes the switching of a mobile station's channel between those based on CDMA-TDD and CDMA-FDD without needing to determine if forward and reverse traffic are balanced. However, *Uebayashi* fails to provide any disclosure relating to how TDD and FDD transmission related to forward and reverse transmission. *Uebayashi* fails to disclose the assignment of frequency resources of a base station to a reverse link in the FDD mode, and forward and reverse links in the TDD mode. Specifically, *Uebayashi* fails to disclose the assignment of a frequency resource as a reverse link resource in the FDD mode for reverse transmission, and the assignment of the remaining frequency resources to a forward link and a reverse link in the TDD mode, as recited in amended Claim 1. Thus, *Uebayashi* fails to remedy the deficiencies of *Johnson* and *Schafer* described above, and Claim 1 is patentable over the combination of *Johnson*, *Schafer* and *Uebayashi*.

The Examiner also rejected independent Claims 17, 24-26 and 35 under 35 U.S.C. §103(a). Claims 17, 24-26 and 35 have been amended in a manner similar to that of Claim 1. In view of the above, Claims 17, 24-26 and 35 are also patentable over the combination of *Johnson*, *Schafer* and *Uebayashi*.

Regarding Claims 2-4, 6, 7, 10, 11, 18-20, 23, 28-34 and 36, while not conceding the patentability of the dependent claims, *per se*, Claims 2-4, 6, 7, 10, 11, 18-20, 23, 28-34 and 36 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36 are allowable over *Johnson*, *Schafer*, *Uebayashi*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claims 12, 15, 16, 37 and 38, independent Claims 12 and 37 have also been amended and recite subject matter containing the deficiencies of the combination of *Johnson*, *Schafer* and *Uebayashi* described above. *Akerberg* also fails to

remedy these deficiencies. Therefore, Claims 12 and 37 are patentable over the combination of *Johnson*, *Schafer*, *Uebayashi* and *Akerberg*.

Regarding Claims 15, 16 and 38, while not conceding the patentability of the dependent claims, *per se*, Claims 15, 16 and 38 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 12, 15, 16, 37 and 38 are allowable over *Johnson*, *Schafer*, *Uebayashi*, *Akerberg*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claim 27, *Samuels* also fails to remedy the deficiencies of *Johnson*, *Schafer* and *Uebayashi* described above. Therefore, while not conceding the patentability of the dependent claim, *per se*, Claim 27 is also patentable for at least the above reasons. Accordingly, Applicants assert that Claim 27 is allowable over *Johnson*, *Schafer*, *Uebayashi*, *Samuels*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 6, 7, 10-12, 15-20 and 23-38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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